

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL WRIT PETITION NO. 1396 OF 2006

MANJEET SINGH ANAND PETITIONER

Versus

STATE OF MAHARASHTRA & ORS. .. RESPONDENTS

Petitioner-in-person

Mr. Shirish Gupte with Mr. Ashok Mundergi i/b
Subodh Desai for the intervenor

Mr. S.R. Borulkar, PP

CORAM:-SMT. RANJANA DESAI &
D. B. BHOSALE, JJ.

DATED:-5/4/2007

P.C.

. In this petition, the petitioner has made
following substantive prayers:

. a) That this Hon'ble Court be pleased to issue
Writ of Certiorari and/or such other appropriate
Writ Order and direction in the nature of Writ of
Certiorari thereby ordering and directing and
calling the entire records and proceedings of
Regular Criminal Case No. 104/04 from the Court of
JMFC Vadgaon at Kolhapur and after perusing the
entire Roznama and records and proceedings be

pleased to pass such orders and direction and hold judicial inquiry for tampering with the records of the Court proceedings;

. b) That this Hon'ble Court be pleased to issue Writ of Mandamus and/or such other appropriate Writ, Order and directions thereby directing the concerned Respondents to pay the damages charges / compensation charges to the Petition @ Rs.1,00,000/- per day for six days Magistrate Custody and/or such other amount of damages compensation as this Hon'ble Court may deem fit and proper considering the nature and circumstances of the case."

2. On 31/8/06, the Division Bench of this court passed the following direction:

. "We, therefore, direct the District and Sessions Judge, Kolhapur to hold the departmental enquiry either by himself or by a Judicial Officer not below the rank of Additional Sessions Judge. The report to be submitted to this court within a period of 6 weeks from the date of communication of the order. The Registrar (Judicial) to communicate this order to the District and Sessions Judge,

Kolhapur. The matter to be listed before the court for consideration immediately after the enquiry report is received from the District and Sessions Judge."

3. Pursuant to this direction, Principal District and Sessions Judge, Kolhapur has submitted an enquiry report to this court. The enquiry report is dated 2/2/07. The conclusion of the enquiry report is as follows:-

. "In the conclusion, for all the reasons discussed above, I find that to favour the complainant Shri S. V. Jamkhindikar (Jr. Clerk) working in the Court of Peth Vadgaon (Court no. 2) has purposely and negligently written incorrect Roznamas dated 1.12.2005, 12.12.2005, 29.12.2005, 20.2.2006 and 20.3.2006. So also , Shri P.a. Bhosale (Sr. Clerk) now working in the Court of Civil Judge, Sr. Dn., Kolhapur intentionally tampered 2 lines Roznama dated 20.3.2006 while he was working in the Court of J.M.F.C. Peth, Vadgaon. 2), as discussed earlier to save himself and to favour the complainant. Thus, Shri S. V. Jamkhindikar and Shri P.A. Bhosale are responsible for maintaining the Court record as above and they

as well as Shri A.P. Jadhav (Jr. Clerk) working in the Peth Vadgaon Court are responsible for the custody of record in Regular Criminal Case No. 104/2004. Similarly, Shri B.M. Mane Learned Magistrate - Presiding Officer of the Court No. 2 of Peth Vadgaon has not taken proper care while maintaining the Court record particularly in the Roznamas in Regular Criminal Case No. 104/2004 as detailed earlier. He seems to have signed Roznama as said earlier except Roznama written by Shri Bhosale negligently which is also serious lapse on his part.

4. In view of the fact that the enquiry was held and enquiry report has been submitted in this court, the first prayer made by the petitioner does not survive. We find from the conclusion of the enquiry report which we have quoted hereinabove, that the learned Judge is of the opinion that there is some tampering of the record. In view of the conclusions which, we have quoted above, we direct Principal District and Sessions Judge, Kolhapur to proceed to take such action as he may deem fit against erring employees of the court in accordance with law.

5. Needless to say that so far as claim of the petitioner for compensation is concerned, the learned Magistrate shall deal with it in accordance with law at the appropriate stage.

6. All contentions of the petitioner in that behalf are kept open.

7. This petition is, therefore, disposed of.

JUDGE .

JUDGE .